

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
WASHINGTON, DC**

**AMERICAN RED CROSS-CAROLINAS
BLOOD SERVICES REGION
RESPONDENT
AND
TEAMSTERS LOCAL UNION #71
PETITIONER**

CASE 11-RC-6732

**EXCEPTIONS OF RESPONDENT, AMERICAN RED
CROSS-CAROLINAS BLOOD SERVICES REGION, TO
THE DECISION OF ADMINISTRATIVE LAW JUDGE
JOEL P. BIBLOWITZ**

Pursuant to the Rules and Regulations of the National Labor Relations Board, as amended, Respondent, American Red Cross-Carolinas Blood Services Region (“Red Cross”), by the undersigned counsel, respectfully files the following Exceptions to the Decision and Recommended Order of Administrative Law Judge Joel P. Biblowitz in the above-captioned case.¹ Red Cross is simultaneously filing with the Board a Brief in support of these Exceptions:

Exception No. 1: Red Cross excepts to the Judge’s finding that the only alleged irregularity was that two challenged ballots were not immediately placed in the ballot box. ALJD 10:25-30.

Exception No. 2: Red Cross excepts to the Judge’s finding that “neither Long nor Baza placed their challenged ballot in the ballot box during the election, but that at, or prior to, the conclusion of the election the Board Agent placed these two ballots in the ballot box.” ALJD 9:46-48.


¹ References to the Decision of Administrative Law Judge Joel P. Biblowitz will be designated as follows: ALJD (followed by page : line numbers).

Exception No. 2: Red Cross excepts to the Judge's finding that the Board Agent's failure to abide by Section 11338.7 of the Board's Representation Case Handling Manual is excusable. ALJD 9:1-29.

Exception No. 4: Red Cross excepts to the Judge's attempt to distinguish Fresenius USA Manufacturing, 352 NLRB 679 (2008) [ALJD 9:50-10:11], and failure to address Columbine Cable Company, 351 NLRB 1087 (2007) and Paprikas Fono, 273 NLRB 1326 (1984).

Respectfully submitted this 5th day of October, 2010:

By Attorneys for American Red Cross-Carolinas
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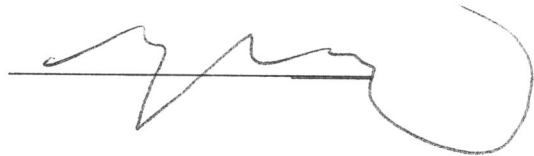
CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of the **EXCEPTIONS OF RESPONDENT, AMERICAN RED CROSS-CAROLINAS BLOOD SERVICES REGION, TO THE DECISION OF ADMINISTRATIVE LAW JUDGE JOEL P. BIBLOWITZ** and the **BRIEF IN SUPPORT OF EXCEPTIONS OF RESPONDENT, AMERICAN RED CROSS-CAROLINAS BLOOD SERVICES REGION, TO THE DECISION OF ADMINISTRATIVE LAW JUDGE JOEL P. BIBLOWITZ**, upon the National Labor Relations Board and National Labor Relations Board, Region 11, by E-filing and upon the following by electronic mail and regular U.S. Mail:

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This 5th day of October, 2010.

A handwritten signature in black ink, appearing to read 'Ronald Morgan', is written over a horizontal line.